



5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
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APPLICATION FOR CONDITIONAL USE

*Make
Copies*

Case Number: _____

Date _____

Applicant: _____

Applicant's Address: _____

Applicant's Email Address: _____

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) _____

Property Owner: _____

Owner's Mailing Address: _____

Owner's Email Address _____

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) _____

Tax Roll Parcel Number: _____

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: _____

State Purpose of Request: _____

REQUIRED ITEMS:

- A. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Zoning Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- B. Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
 - i. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
 - ii. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year flood plains.
 - iii. The location, height, bulk general appearance and intended use existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
 - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
 - v. A narrative identifying the nature of the operation of proposed use, including but not limited to, hours of operation, type of processes utilized (if any), type of products sold or services offered, etc.
 - vi. The location of watercourses and drainage features.
 - vii. The number of existing and proposed off -street parking and loading spaces, and a calculation of applicable minimum requirements.
 - viii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval, including proposed erosion control measures.
 - ix. A plan showing the Buffer Yards as required in Section 5.4.4.
 - x. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
 - xi. Any applicable fee established by the City Council.
- C. Payment of fee for request: \$100.00 as per Ordinance 2013-032.3

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Conditional Use in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a request on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

Signature of Applicant

Signature of Property Owner

_____ For Official Use Only _____

- ☐ \$100.00
- ☐ Copy of Deed, Lease or Contract
- ☐ Site Plan
- ☐ Parking Spaces
- ☐ List of Property Owner

- ☐ Application Signed
- ☐ Written Project Description
- ☐ Drainage Plan NA ☐
- ☐ Notarized Statement NA ☐

2.5 CONDITIONAL USE PROCEDURE

2.5.1 Title and Purpose

Sections 2.5.1 through Sections 2.5.11 shall be known as the Conditional Use Procedure. The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts.

2.5.2 Jurisdiction

The Zoning Administrator shall be responsible for administration of the Conditional Use procedure, and the Planning Commission shall be responsible for review, evaluation, and recommendation to the Mayor and City Council. Final action, approval and imposition of conditions shall lie with the Mayor and City Council.

2.5.3 Application and Fee

Application for a Conditional Use Permit shall be filed with the Zoning Administrator and said application shall include the information set forth herein. Within ten (10) days of the receipt of an application for Conditional Use, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff and DRC review regarding the subject application to the Planning Commission.

An application for a Conditional Use Permit shall contain the following:

- A. Name and address of the owner and applicant.
- B. Address and legal description of the property. *executed warranty deed*
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- D. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Zoning Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- E. Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
 - i. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
 - ii. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year flood plains.
 - iii. The location, height, bulk general appearance and intended use existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
 - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
 - v. A narrative identifying the nature of the operation of proposed use, including but not limited to, hours of operation, type of processes utilized (if any), type of products sold or services offered, etc.
 - vi. The location of watercourses and drainage features.
 - vii. The number of existing and proposed off -street parking and loading spaces, and a calculation of applicable minimum requirements.
 - viii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval, including proposed erosion control measures.
 - ix. A plan showing the Buffer Yards as required in Section 5.4.4.

- x. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
- xi. Any applicable fee established by the City Council.

2.5.4 Public Hearing and Notice

At its next regular meeting following the receipt of an application for Conditional Use, but in any event within forty-five (45) days of receipt of such application by the Zoning Administrator, the Planning Commission shall recommend approval or disapproval the application along with any conditions related thereto.

The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Section 2.9.1. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed condition under which it would be operated or maintained, particularly, with respect to the findings prescribed in Section 2.5.6. The applicant is required to be present at the public hearing.

2.5.5 Action by the Planning Commission

The Commission may recommend approval of a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions; or may recommend denial of the application.

2.5.6 Review and Evaluation Criteria

The Zoning Administrator and the Commission shall review and evaluate and make the following findings before recommending approval of a Conditional Use Permit application using the following criteria:

- A. Conformance with applicable regulations and standards established by the Zoning Regulations.
- B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
- D. Modifications to the site or proposed use which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
- E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area; existing zoning and land uses in the area.
- F. Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
- G. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- H. Adequacy and convenience of off-street parking and loading facilities.
- I. That the proposed use is in accordance with the objectives of this Zoning Ordinance and the purposes of the district in which the site is located.
- J. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
 - i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the

Please
Address
A-L individually

purpose of this criterion, the term neighborhood shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.

- iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
- iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.
- K. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- L. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2.5.7 Conditions of Approval

The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses.

2.5.8 Legislative Disposition

The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for Conditional Use Permit has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the Mayor and City Council for the same classification for at least one (1) year from the date such application was denied.

2.5.9 Renewal or Lapse of a Conditional Use Permit

- A. A Conditional Use Permit shall lapse and shall become void one (1) year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A Conditional Use Permit subject to lapse may be renewed by the City Council for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

2.5.10 Modification of Conditional Use Permit

Minor revisions or modifications may be approved by the Zoning Administrator if he determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 2.5.6.